

**CITY OF MONROE
PLANNING COMMISSION MINUTES
August 12, 2013**

The meeting of the Monroe Planning Commission was scheduled for **August 12, 2013** at **7:00 p.m.**, in the City Hall Council Chambers at 806 West Main Street, Monroe, WA 98272.

CALL TO ORDER

Chairman Kristiansen called the meeting to order at 7:05 p.m.

ROLL CALL

Secretary Dave McConnell called the roll. The following were:

Present: Commissioners Bill Kristiansen, Dian Duerksen, Wayne Rodland, Jeff Sherwood, Bridgette Tuttle, Steve Jensen

Excused: Commissioner Dave Demarest

Staff Present: Planning and Permitting Manager Paul Popelka, Economic Development Manager Jeff Saxand Planning Technician David McConnell

Guest Speaker: Attorney Scott Snyder

CITIZEN COMMENT

None

APPROVAL OF MINUTES

None

WORKSHOP

A. ZCA2012-02 – Marijuana Related Land Uses

The City has adopted interim zoning regulations for marijuana related uses that prohibit medical cannabis gardens within the City of Monroe and establish where marijuana production, processing, and retail facilities can be located following state licensure. Extended interim or final regulations are to be adopted prior to December 2013.

Manager Popelka summarized the regulations and indicated the need to act on the interim medical and recreational marijuana regulations prior to December. The Commissioners had discussed extending the interim regulations for six more months in lieu of adopting permanent regulations. Staff is recommending adoption of permanent regulations.

Attorney Snyder reviewed state processes and indicated there will like be no significant changes to the regulations due to the Initiative 502 process. He described the State licensing process that will begin September 17, 2013, and the steps involved with cities for license

applications. He noted that the City of Seattle's focus on marijuana tourism and allowing outdoor grow operations received the most comments.

He also confirmed that marijuana is still a Class 1 Controlled Substance under Federal law. Federal authorities are closely monitoring states such as California with legal medical cannabis as well as Colorado and Washington. An operation may be liable to enforcement if its marijuana appears in neighboring states. Washington allows medical and recreational marijuana under two contradictory systems.

The Commission discussed issues as summarized below:

- Interim regulations may be extended in six month intervals, with a new public hearing for each extension, but only if work is initiated and progress is made for permanent regulations. Staff is recommending adoption of permanent regulations rather than another interim extension of the existing ordinance.
- Federal and State laws are in direct conflict, but Federal preemption is affected by some inability to require states to enforce Federal provisions (e.g., Arizona immigration laws). Once the state implements regulations and begins issuing licenses, the state will administer marijuana and collect significant revenues. The Federal government does reserve the right to prosecute a government or staff if the jurisdiction is too closely involved in the business of marijuana production, processing or sales.
- There is little difference for locating a marijuana business within Monroe versus unincorporated Snohomish County. The State will assign a certain number of licenses per county.
- Property owners face no legal ramifications for refusing to accommodate marijuana related businesses on their property.
- Regarding a permanent moratorium on marijuana business, the City would be liable to lawsuits from businesses. Initiative 502 allows state law to preempt local law and support businesses allowed under the initiative.
- By providing areas for marijuana business operations, the proposed marijuana zoning meets location requirements as the businesses are not constitutionally protected. The City may, over time, evaluate any effects on the community and possibly revise the zones.
- The minimum age for recreational marijuana is 21; there is no minimum age for medical marijuana.

Commissioner Duerksen moved that the Planning Commission forward a recommendation to the City Council to adopt as permanent regulations Zoning Code Amendment ZCA 2012-02 Marijuana Related Land Uses as per Attachment 1 (Proposed MMC Title 18.70 Marijuana Related Uses). Motion seconded by **Chairman Kristiansen**. Motion carried 6/0.

B. CPA2013-A – Comprehensive Plan Text Amendments - Land Use and Economic Development

One of the two comprehensive plan amendments for 2013 is the Comprehensive Plan Text Amendments for several plan sections. This workshop includes the Land Use and Economic Development Elements being revised in preparation for the 2015 Comprehensive Plan Update.

Manager Popelka gave a brief report on the Land Use Element and indicated there is additional work to complete the text revisions.

Manager Sax summarized text amendments for the Economic Development Element and described updating the demographic data and revising or removing obsolete policies. He noted that the goals, policies and actions are the important sections in this element. The intent going forward is to structure this element to encourage commerce.

The Commission discussed issues as summarized below:

- The current comprehensive plan protects FirstAir Field with Limited Open Space Airport zoning.
- Potential effects from the future US 2 bypass will be addressed in the Transportation Element of the 2015 Comprehensive Plan Update. The potential for roundabouts in the bypass was questioned on their effect on land use, traffic and the city in general.

Commissioner Rodland moved to extend the meeting past 9:00 p.m. Motion seconded by **Commissioner Sherwood**. Motion carried 6/0.

DISCUSSION BY COMMISSIONERS AND STAFF

Manager Popelka gave an update on the 2015 Comprehensive Plan Update, subdivision activity, an RV Center at the former Ford dealership, building projects and future agenda items.

Manager Sax discussed economic development programs and projects including Walmart, the landfill reclamation, and projects at Miracle Field and Downtown Monroe.

ADJOURNMENT

Commissioner Rodland moved to adjourn the August 12, 2013 Planning Commission meeting. Motion seconded by **Commissioner Duerksen**. Motion carried 6/0 and the meeting was adjourned at 10:00p.m.



Bill Kristiansen
Chairman



Dave McConnell
Planning Commission Secretary